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BERNARD J. CURRAN

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10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**
12 **SAN FRANCISCO DIVISION**

13 PATRICK GALLAGHER,

14 Plaintiff,

15 v.

16 CITY AND COUNTY OF SAN FRANCISCO,
17 BERNARD CURRAN, RODRIGO SANTOS,
18 WILLIAM HUGHEN, KEVIN
19 BIRMINGHAM, NATALIA
KWAITKOWSKA; JOE DUFFY,

20 Defendants.

Case No.: 23-cv-03579-SI (JCS)

**DECLARATION OF ALSTON L. LEW
IN SUPPORT OF DEFENDANT
BERNARD CURRAN'S OPPOSITION
TO PLAINTIFF PATRICK
GALLAGHER'S MOTION FOR
SUMMARY JUDGMENT**

Date: January 16, 2026

Time: 10:00 a.m.

Courtroom: Video Conference

Judge: Hon. Susan Illston

Trial Date: February 17, 2026

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23 **DECLARATION OF ALSTON L. LEW**

24 I, Alston L. Lew, declare that:

25 1. I am an attorney duly licensed to practice in all courts of the State of
26 California, and am a Director with the law firm Murphy Pearson Bradley & Feeney,
27 attorneys of record for Defendant BERNARD CURRAN ("CURRAN") herein. I have
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1 personal knowledge of the information set forth herein below, all of which is true and
2 correct of my own personal knowledge, and if called upon to testify, I could and would
3 competently testify thereto.

4 2. Defendant The City and County of San Francisco (“CCSF”) by and through
5 its Deputy City Attorney Hunter Sims took Plaintiff Patrick Gallagher’s (“Plaintiff”)
6 deposition on or about July 31, 2025. At the time Plaintiff’s deposition took place,
7 CURRAN was a defendant in this lawsuit, but was not represented by an attorney. As a
8 result, he did not attend Plaintiff’s deposition.

9 3. My firm was formally retained to defend CURRAN on or around December
10 19, 2025. Upon our retention, I immediately reached out to Mr. Sims to determine the
11 procedural posture of the case and learned that he had taken Plaintiff’s deposition on July
12 31, 2025 and obtained information regarding the court reporting firm that took the
13 deposition to obtain a copy of the transcript.

14 4. Attached as **Exhibit A** is a true and correct copy of the transcript of Plaintiff
15 Patrick Gallagher’s deposition taken on July 31, 2025.

16 5. Attached as **Exhibit B** is a true and correct of copy of Exhibit 1 of
17 Plaintiff’s deposition.

18 6. Attached as **Exhibit C** is a true and correct of copy of Exhibit 2 of
19 Plaintiff’s deposition.

20 7. Attached as **Exhibit D** is a true and correct of copy of Exhibit 3
21 of Plaintiff’s deposition.

22 8. Attached as **Exhibit E** is a true and correct copy of Exhibit 4 of Plaintiff’s
23 deposition.

24 9. Attached as **Exhibit F** is a true and correct copy of Exhibit 5 of Plaintiff’s
25 deposition.

26 10. Attached as **Exhibit G** is a true and correct copy of Exhibit 6 of Plaintiff’s
27 deposition.

1 11. Attached as **Exhibit H** is a true and correct copy of Exhibit 7 of Plaintiff's
2 deposition.

3 12. Attached as **Exhibit I** is a true and correct copy of Exhibit 8 of Plaintiff's
4 deposition.

5 13. Attached as **Exhibit J** is a true and correct copy of Exhibit 9 of Plaintiff's
6 deposition.

7 14. Attached as **Exhibit K** is a true and correct copy of Exhibit 10 of Plaintiff's
8 deposition.

9 15. Attached as **Exhibit L** is a true and correct copy of Exhibit 11 of Plaintiff's
10 deposition.

11 16. Attached as **Exhibit M** is a true and correct copy of Exhibit 12 of
12 Plaintiff's deposition.

13 17. Attached as **Exhibit N** is a true and correct copy of Exhibit 13 of Plaintiff's
14 deposition.


15 18. Attached as **Exhibit O** is a true and correct copy of Plaintiff's Second
16 Amended Complaint, ECF. No. 28, filed on November 9, 2023 ("SAC").

17 19. Throughout Plaintiff's SAC and during his deposition testimony, Plaintiff
18 alleges that CURRAN was indicted in an unrelated criminal case and investigated by an
19 FBI agent named Allison Lopez. Attached as **Exhibit P** is a true and correct copy of the
20 Criminal Complaint from the case Plaintiff refers to in his SAC: the matter of *USA v.*
21 *Curran et. al.*, Case No. 3:21-mj-713315-MAG. CURRAN was defended by my firm in
22 the criminal case.

23 20. The Criminal Complaint includes a signed affidavit by Agent Lopez.
24 Notably, Plaintiff's subject property located at 200 Naples Street in San Francisco's
25 Excelsior District (within CURRAN's assigned district) is not listed as a real property of
26 interest and the subject of the FBI's investigation – see paragraphs 15-69 of the Lopez
27 affidavit describing the properties under investigation under **Exhibit P**.

21. Attached as **Exhibit Q** is a true and correct copy of a Department of Building Inspection (“DBI”) record I received from my client Bernard Curran on January 2, 2026, which he obtained from the DBI website for a Permit Application filed by Plaintiff for the subject property at 200 Naples Street in San Francisco numbered 201810183586. The DBI record clearly indicates that it was printed on January 2, 2026.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this Declaration was executed on this 5th day of January 2026, in San Francisco, California.



Alston L. Lew

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CERTIFICATE OF SERVICE

I, Ron Myers, declare:

I am a citizen of the United States, am over the age of eighteen years, and am not a party to or interested in the within entitled cause. My business address is 550 California Street, 14th Floor, San Francisco, California 94104.

On January 6, 2026, I served the following document(s) on the parties in the within action:

DECLARATION OF ALSTON L. LEW IN SUPPORT OF DEFENDANT BERNARD CURRAN'S OPPOSITION TO PLAINTIFF PATRICK GALLAGHER'S MOTION FOR SUMMARY JUDGMENT

x	VIA MAIL: I am familiar with the business practice for collection and processing of mail. The above-described document(s) will be enclosed in a sealed envelope, with first class postage thereon fully prepaid, and deposited with the United States Postal Service at San Francisco, California on this date, addressed as listed below.
x	VIA E-MAIL: I attached the above-described document(s) to an e-mail message, and invoked the send command at approximately _____ AM/PM to transmit the e-mail message to the person(s) at the e-mail address(es) listed below. My email address is RMyers@mpbf.com.

Hunter W. Sims III
Renee E. Rosenblit
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San Francisco, CA 94102
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Attorney For Defendants
CITY AND COUNTY OF SAN
FRANCISCO, WILLIAM HUGHEN,
KEVIN BIRMINGHAM, NATALIA
KWAITKOWSKA, JOE DUFFY

Patrick Gallagher
9845 N. 103 Drive
Sun City, AZ 85351
E-mail: bigblockpat@gmail.com

In Pro Per

I declare under penalty of perjury under the laws of the State of California that the foregoing is a true and correct statement and that this Certificate was executed on January 6, 2026.

By


Ron Myers